IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3150 OF 2007

Pralhad Janu Bhoir ..Applicant

V/s.

The State of Maharashtra ..Respondent

WITH

CRIMINAL APPLICATION NO.3215 OF 2007

Ankush Harishchandra Bhoir ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr.Shreekant V. Gavand, advocate, for applicant
Mr.K.V.Saste, Assistant Public Prosecutor, for the State

CORAM : V.C.DAGA, J.

DATE : 31ST OCTOBER, 2007

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State. In both the cases the applicants are seeking bail in C.R. No. I -

19/2007 registered with Uran Police Station for the offence punishable under Sections 396, 397, 363, 342, 412 & 120(B) of the Indian Penal Code. Pralhad is applicant in C.A.No.3150/2007 , who was arrested on 26th February, 2007 whereas Ankush is applicant in C.A.No.3215 came to be arrested on 12th April, 2007. Chargesheet has already been filed. Accused Pralhad was identified by the complainant. In the identification parade, which was held after expiry of 46 days after commission of the alleged offence. Names of these persons do not find place in the F.I.R. On similar ground, one Dharma Dattu Mhatre has been granted bail by this Court. The applicants are seeking bail on the ground of parity as well as on merits contending that there is no other material other than identification parade against Pralhad whereas there was no identification parade with respect to accused Ankush. Discovery which is sought to be affected vide panchanama dated 28th February, 2007 in case of Pralhad vide panchanama dated 15th April, 2007 in case of Ankush

prima facie cannot be relied upon.

2. In the aforesaid view of the matter, I am inclined to grant bail to both the applicants, subject to following conditions :

(a) The applicants, arrested in connection with C.R.No.I-19/2007 registered witn Uran Police Station shall be enlarged on bail in the sum of Rs.50,000/- with one or two local sureties to make up the said amount.

(b) The applicants shall report to the concerned police station once in a week i.e.on every Monday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicants

furnish to the investigating officer the details about his place of residence and address where they propose to stay after they are enlarged on bail. The applicants will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicants shall co-operate with the investigating agency for disposal of the case. It is

needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

3. Applications stand disposed of accordingly.

(**V.C.DAGA, J.**)